

JS 44 (Rev. 12/07) (cand rev 1-16-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

**I. (a) PLAINTIFFS**

Steven Mayers

**DEFENDANTS**

Loree Diane Taylor, et al. (see attachment)

(b) County of Residence of First Listed Plaintiff San Mateo  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant San Francisco  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sid Wolinsky (510)-665-8644 (Phone)  
Disability Rights Advocates (510)-665-8511 (Fax)  
2001 Center Street, Forth Floor (510)-665-8716 (TTY)  
Berkeley, CA 94704

Attorneys (If Known)

**E-filing****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 196 Franchise				12 USC 3410
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ft)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 511 Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 446 Amer. w/ Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 900 Appeal of Fee Determination
				<input type="checkbox"/> Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
IMMIGRATION	FEDERAL TAX SUITS			
	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)		
	<input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party	26 USC 7609	
	<input type="checkbox"/> 465 Other Immigration Actions			

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |                            |   |                    |
|---|---|--|---|----------------------------|---|--------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | Transferred from (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | Appeal to District |
|---|---|--|---|----------------------------|---|--------------------|

- |   |
|---|
| <input type="checkbox"/> 7 Judge from Magistrate Judgment |
|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §§ 12181-12189

**VI. CAUSE OF ACTION**

Brief description of cause:

Discrimination based on disability

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Injunction, et al.

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**

(PLACE AND "X" IN ONE BOX ONLY)

 SAN FRANCISCO/OAKLAND SAN JOSE

DATE

2/23/09

SIGNATURE OF ATTORNEY OF RECORD

Sid Wolinsky

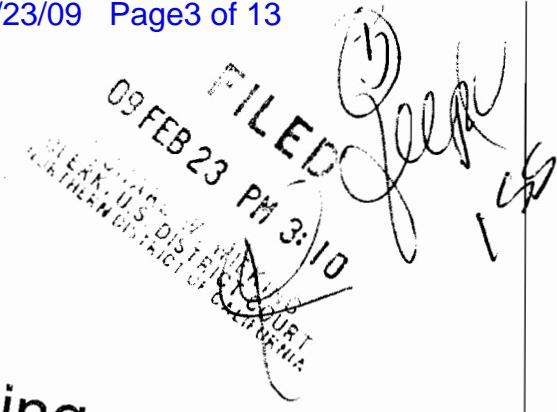
STEVEN MAYERS,

Plaintiff,

v.

LOREE DIANE TAYLOR; HIGHWAY BLUES INC., dba GREAT COMEDY SCHOOL dba GREAT TRAFFIC SAFETY CLASSES; INTERACTIVE SAFETY EDUCATION INC., dba PIZZA FOR YOU COMEDIANS 2; TRAFFIC SAFETY CENTER INC., dba COMEDY FOR LESS TRAFFIC SCHOOL; SHEILA ANN IP, dba SPEED TRAFFIC SCHOOL; ROSALINA L. AVENA, dba ROSY DRIVING AND TRAFFIC SCHOOL; JAMES SUN HUNG CHAN, dba NU TECH DRIVING & TRAFFIC SCHOOL; KEN R. HARRISON; JOSEPH RANDALL, dba FINALLY A GAY TRAFFIC SCHOOL; GEORGE H. APKARIAN, dba FUN N CHEAP COMEDY TRAFFIC SCHOOL; ANYA LEE; A SAFE WAY DRIVING SCHOOL INC., dba A SAFE WAY DRIVING SCHOOL; STEVEN JAMES VERRET; IMPROV TVS INC., dba THE IMPROV TRAFFIC SCHOOL; ROCKY COLOGNE, dba ROCKY COLOGNES COMEDY TRAFFIC SCHOOL; BRUCE L. ELKINS, dba CHEAP SCHOOL; WILLIAM KRUP; PACIFIC SEMINAR TRAFFIC SAFETY, INC.; TIMOTHY J. KARO, dba SF BAY TRAFFIC VIOLATOR SCHOOL,

Defendants.



*E-filing*

*EDL*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN MAYERS,

Plaintiff,

v.

LOREE DIANE TAYLOR; HIGHWAY BLUES INC., dba GREAT COMEDY SCHOOL dba GREAT TRAFFIC SAFETY CLASSES; INTERACTIVE SAFETY EDUCATION INC., dba PIZZA FOR YOU COMEDIANS 2; TRAFFIC SAFETY CENTER INC., dba COMEDY FOR LESS TRAFFIC SCHOOL; SHEILA ANN IP, dba SPEED TRAFFIC SCHOOL; ROSALINA L. AVENA, dba ROSY DRIVING AND TRAFFIC SCHOOL; JAMES SUN HUNG CHAN, dba NU TECH DRIVING & TRAFFIC SCHOOL; KEN R. HARRISON; JOSEPH RANDALL, dba FINALLY A GAY TRAFFIC SCHOOL; GEORGE H. APKARIAN, dba FUN N CHEAP COMEDY TRAFFIC SCHOOL; PANYA LEE; A SAFE WAY DRIVING SCHOOL INC., dba A SAFE WAY DRIVING SCHOOL; STEVEN JAMES VERRET; IMPROV TVS INC., dba THE IMPROV TRAFFIC SCHOOL; ROCKY COLOGNE, dba ROCKY COLOGNES COMEDY TRAFFIC SCHOOL; BRUCE L. ELKINS, dba CHEAP SCHOOL; WILLIAM KRUP; PACIFIC SEMINAR TRAFFIC SAFETY, INC.; TIMOTHY J. KARO, dba SF BAY TRAFFIC VIOLATOR SCHOOL,

Defendants.

DISABILITY RIGHTS ADVOCATES  
2001 CENTER STREET, FOURTH FLOOR  
BERKELEY, CALIFORNIA 94704-1204  
(510) 665-8644

Case No.  
**CV 09**

**0790**

COMPLAINT FOR DISCRIMINATION:  
AMERICANS WITH DISABILITIES ACT  
(42 U.S.C. §§ 12181-12189); CAL. UNRUH  
ACT (CIV. CODE § 51), CAL. DISABLED  
PERSONS ACT (CIV. CODE §§ 54-55)

## INTRODUCTION

1           1. This lawsuit challenges discrimination against a profoundly deaf person, Steven  
2       Mayers. Mr. Mayers communicates by American Sign Language (“ASL”). After receiving a  
3       traffic ticket, Mr. Mayers attempted to attend a traffic school within a reasonable distance of  
4       his home. Every traffic school he contacted refused to provide an ASL interpreter so that he  
5       could attend.

6           2. Each named Defendant owns and/or operates one or more licensed traffic  
7       violator schools in San Francisco or northern San Mateo County. Each Defendant denied and  
8       continues to deny Mr. Mayers access to its school(s).

9           3. Defendants know they have an obligation under the law to grant equal access to  
10      their classes. Instead of doing so, they have chosen to violate this obligation, causing  
11      irreparable injury to Mr. Mayers and entitling him to an award of statutory damages against  
12      each Defendant for each violation.

## JURISDICTION

13           4. This is an action for declaratory and injunctive relief and damages brought  
14      pursuant to the Americans with Disabilities Act (“ADA”) Title III, 42 U.S.C. §§ 12181-  
15      12189, as well as California law, Civil Code § 51, and §§ 54-55.

16           5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
17      §§ 1331, 1342, and 1343 for claims arising under the ADA.

18           6. This Court has jurisdiction to issue injunctive relief and a declaratory judgment  
19      pursuant to 28 U.S.C. §§ 2201 and 2202.

20           7. Under the doctrine of pendent and supplemental jurisdiction, this Court has  
21      jurisdiction over Plaintiff’s claims arising under California state law.

## VENUE

22           8. Pursuant to 28 U.S.C. § 1391(b), venue is proper in the District in which this  
23      Complaint is filed, because Defendants own and maintain non-compliant programs and  
24      facilities within the Northern District of California, and because the acts and omissions giving  
25      rise to this claim occurred in the Northern District of California.

## PARTIES

9. Plaintiff Steven Mayers is a deaf individual and communicates using ASL. He resides in Daly City, California.

10. Plaintiff is substantially limited in the major life activities of hearing and speaking. Plaintiff thus is an individual with a disability within the meaning of applicable law.

11. Plaintiff holds a noncommercial class C driver's license issued by the State of California.

12. Plaintiff, either personally or through an authorized representative, attempted to enroll in each named Defendant's traffic school, but he could not do so because each Defendant refused to provide Plaintiff an ASL interpreter.

13. Plaintiff has been and is being discriminated against by Defendants' operation of traffic schools in a manner that denies him access to and alternative means of communications in their instructional services and classrooms.

14. Each named Defendant owns and/or operates a traffic violator school licensed by the State of California pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5 of the California Vehicle Code.

15. Defendant Highway Blues, Inc., dba Great Comedy School dba Great Traffic Safety Classes, owns a traffic violator school, operated by Defendant Loree Diane Taylor, located at 50 8th Street, in San Francisco, California.

16. Defendant Interactive Safety Education, Inc., dba Pizza For You Comedians 2, owns a traffic violator school, operated by Defendant Loree Diane Taylor, located at 50 8th Street, in San Francisco, California.

17. Defendant Traffic Safety Center, Inc., dba Comedy for Less Traffic School, owns a traffic violator school, operated by Defendant Loree Diane Taylor, located at 50 8th Street, in San Francisco, California.

18. Defendant Sheila Ann Ip, dba Speed Traffic School, owns and operates a traffic violator school located at 4224 Mission Street, in San Francisco, California.

1           19.   Defendant Rosalina L. Avena, dba Rosy Driving and Traffic School, owns and  
2 operates a traffic violator school located at 5524-B Mission Street, in San Francisco,  
3 California.

4           20.   Defendant James Sun Hung Chan, dba Nu Tech Driving & Traffic School,  
5 owns and operates a traffic violator school located at 4735 Mission Street, Suite D, in San  
6 Francisco, California.

7           21.   Defendant Joseph Randall, dba Finally A Gay Traffic School, owns a traffic  
8 violator school, operated by Defendant Ken R. Harrison, located at 900 Franklin Street, in San  
9 Francisco, California.

10          22.   Defendant George H. Apkarian, dba Fun N Cheap Comedy Traffic School,  
11 owns a traffic violator school, operated by Defendant Ken R. Harrison, located at 900 Franklin  
12 Street, in San Francisco, California.

13          23.   Defendant A Safe Way Driving School, Inc., dba A Safe Way Driving School,  
14 owns a traffic violator school, operated by Defendant Panya Lee, located at 900 Franklin  
15 Street, in San Francisco, California.

16          24.   Defendant Improv TVS Inc., dba The Improv Traffic School, owns a traffic  
17 violator school, operated by Defendant Steven James Verret, located at Fort Mason Center in  
18 San Francisco, California.

19          25.   Defendant Rocky Cologne, dba Rocky Colognes Comedy Traffic School, owns  
20 and operates a traffic violator school, located at 323 South Airport Boulevard, in South San  
21 Francisco, California.

22          26.   Defendant Bruce L. Elkins, dba Cheap School, owns and operates a traffic  
23 violator school located at 3401 Cesar Chavez, Suite A, in San Francisco, California.

24          27.   Defendant Pacific Seminar Traffic Safety, Inc., owns a traffic violator school,  
25 operated by Defendant William Krup, located at 2130 Fulton Street, in San Francisco,  
26 California.

27          28.   Defendant Timothy J. Karo, dba SF Bay Traffic Violator School, owns and  
28 operates a traffic violator school, located at 1700 Irving Street, in San Francisco, California.

1           29. Defendants, and each of them, have denied Plaintiff's request for an ASL  
2 interpreter so that he can attend their traffic schools, thereby unlawfully discriminating against  
3 Plaintiff.

4           30. As licensed traffic violator schools, Defendants are expressly precluded by law  
5 from discriminating against people with disabilities and may be deprived of their licenses  
6 because of such discrimination. Cal. Vehicle Code § 11216.2.

7       31. All Defendants are properly joined in this action because the claims alleged  
8 herein all arose from identical facts and occurrences, and/or an identical series of facts and  
9 occurrences, and involve common questions of law and fact within the meaning of Federal  
10 Rule of Civil Procedure 20(a).

## **FACTUAL ALLEGATIONS**

12           32. Pursuant to California Vehicle Code § 42005(b), in lieu of adjudicating a traffic  
13 offense committed by a person who holds a noncommercial class C driver's license, and with  
14 the consent of the defendant, the court may order the person to attend a licensed traffic  
15 violator school.

16           33. As permitted by California Vehicle Code § 41501, the court may continue the  
17 matter and dismiss the complaint upon proof of such attendance.

18           34. Upon receipt of the bail amount indicated by the court and a court processing  
19 fee, the court mails eligible violators a traffic school referral with the completion due date, and  
20 a list of traffic school providers.

35. After attending a class at a traffic school, the driver must file with the court the  
original certificate of completion by the due date designated by the court.

36. Upon filing the certificate of completion, the record of the violation and traffic  
violator school attendance is held confidential pursuant to California Vehicle Code § 1808.7  
and may not be disclosed to any person.

37. By attending traffic violator school as ordered by the court, a licensed driver  
thus may avoid a public record of the traffic violation.

1       38. Attendance at a licensed traffic violator school constitutes an important public  
2 service, is sanctioned by California state courts, and confers a substantial benefit upon  
3 licensed drivers cited for traffic violations.

4       39. The inability to attend traffic school results in a permanent public record of the  
5 traffic offense.

6       40. This public record of the offense causes potential adverse consequences to the  
7 driver, such as increased automobile insurance premiums or ineligibility for such insurance.

8       41. On November 6, 2008, Plaintiff received a traffic citation in Monterey County  
9 for exceeding the speed limit.

10      42. The law enforcement officer who issued the ticket to Plaintiff informed him  
11 that he would have the option to attend traffic violator school.

12      43. On or about November 21, 2008, the Monterey County Superior Court mailed  
13 Plaintiff a notice containing information about his November 6, 2008 traffic violation.

14      44. The court notice specified the amount of bail Plaintiff was required to pay and  
15 also informed him that he was eligible to avoid a public record of the traffic violation by  
16 choosing to attend traffic school.

17      45. Plaintiff indicated on the form provided by the court that he wished to attend  
18 traffic school and timely returned it with the sum specified as bail plus a processing fee.

19      46. The information provided by the court stated that Plaintiff must provide it with  
20 a certificate of completion of traffic violator school by March 12, 2009.

21      47. Plaintiff requested and received a list of licensed traffic schools near his  
22 residence in Daly City.

23      48. Plaintiff telephoned numerous schools on the list, including several owned  
24 and/or operated by Defendants. Some refused to accept his call because he uses a telephone  
25 relay service for deaf individuals.

26      49. The traffic schools that spoke with Plaintiff stated that they would not provide  
27 him with an ASL interpreter during the classes they offered.

50. Plaintiff contacted the San Francisco Human Rights Commission (“HRC”) for assistance in locating a traffic violator school.

51. HRC contacted several traffic schools on Plaintiff's behalf, including several owned and/or operated by Defendants, but, like Plaintiff, was unsuccessful in locating any traffic school that would provide an ASL interpreter for Plaintiff.

52. On or around January 26 through January 30, 2009, again on Plaintiff's behalf, HRC contacted all traffic schools offering classes in San Francisco and northern San Mateo Counties included on a list of approved schools provided by the California Department of Motor Vehicles, except for those that provide instruction solely in languages other than English.

53. When HRC telephoned the traffic schools owned and/or operated by each Defendant named herein, Defendants' agents who answered the phone would not agree to provide an ASL interpreter for Plaintiff so that he could attend.

54. As a result of each Defendant's refusal to provide an ASL interpreter, Plaintiff was unable to attend its traffic school(s).

55. Plaintiff's inability to attend each Defendant's traffic school(s) violated his right of access to these businesses and constituted unlawful discrimination on the basis of his disability, causing him irreparable injury.

56. In light of each Defendant's refusal to provide him an ASL interpreter, Plaintiff believes and alleges that each Defendant has a policy and practice of discriminating against individuals with disabilities, such as individuals with hearing disabilities, by denying them auxiliary aids and services necessary to access traffic school programs.

## **FIRST CAUSE OF ACTION**

## **TITLE III OF THE AMERICANS WITH DISABILITIES ACT**

57. Plaintiff realleges and incorporates herein all previously alleged paragraphs of the complaint.

58. Plaintiff is a qualified individual with a disability within the meaning of the ADA.

1           59. Plaintiff was and remains able to satisfy the requirements of the instruction,  
 2 classes, and certification of completion offered by Defendant traffic schools.

3           60. Each traffic violator school owned and/or operated by Defendants is a public  
 4 accommodation within the meaning of the ADA.

5           61. By refusing and failing to provide modifications and/or auxiliary aids and  
 6 services, including ASL interpreters, necessary to provide Plaintiff access to their traffic  
 7 violator schools, Defendants have discriminated and continue to discriminate against Plaintiff  
 8 because of his disability.

9           62. By adopting policies and practices that screen out, or tend to screen out,  
 10 individuals with disabilities from attendance at their traffic schools, Defendants have  
 11 discriminated and continue to discriminate against Plaintiff.

12           63. The violations of Defendants are ongoing, and Plaintiff is entitled to injunctive  
 13 relief remedying the discrimination.

14           WHEREFORE, Plaintiff requests relief as set forth below.

15           **SECOND CAUSE OF ACTION**

16           **CALIFORNIA UNRUH CIVIL RIGHTS ACT (CIVIL CODE § 51)**

17           64. Plaintiff realleges and incorporates all previously alleged paragraphs of the  
 18 complaint.

19           65. California's Unruh Civil Rights Act, Civil Code § 51, guarantees all disabled  
 20 persons full and equal accommodations, advantages, privileges, and services in all business  
 21 establishments of any kind whatsoever.

22           66. Each traffic school owned and/or operated by Defendants is a business  
 23 establishment within the meaning of the Unruh Civil Rights Act.

24           67. Plaintiff is a disabled person within the meaning of the Unruh Civil Rights Act.

25           68. Plaintiff has been denied and continues to be denied full and equal access to  
 26 each traffic school owned and/or operated by each Defendant.

1           69. Defendants have not provided Plaintiff services and facilities that are provided  
2 to other customers who are not disabled, and/or have provided him services and facilities that  
3 are unequal and inferior to the services provided to non-disabled customers.

4           70. The actions of each Defendant violated the Unruh Civil Rights Act, and these  
5 violations are ongoing. Therefore Plaintiff is entitled to injunctive relief remedying the  
6 discrimination.

7           71. Plaintiff is also entitled to statutory damages from each Defendant, and for each  
8 and every offense, pursuant to California Civil Code § 52.

9           72. Plaintiff is also entitled to reasonable attorneys' fees and costs.

10          WHEREFORE, Plaintiff requests relief as set forth below.

11          **THIRD CAUSE OF ACTION**

12          **CALIFORNIA DISABLED PERSONS ACT (CIVIL CODE §§ 54-55)**

13          73. Plaintiff realleges and incorporates all previously alleged paragraphs of the  
14 complaint.

15          74. California's Disabled Persons Act, Civil Code §§ 54-55, guarantees to disabled  
16 persons full and equal access, as other members of the general public, to accommodations,  
17 advantages, and facilities, including places of public accommodation and other places to  
18 which the general public is invited.

19          75. Each traffic school owned and/or operated by Defendants is a "place of public  
20 accommodation or other place to which the general public is invited" within the meaning of  
21 the Disabled Persons Act.

22          76. Plaintiff is an individual with a disability entitled to the protections of the  
23 Disabled Persons Act.

24          77. Plaintiff has been denied and continues to be denied full and equal access to  
25 each traffic school owned and/or operated by each Defendant.

26          78. The actions of each Defendant violated the Disabled Persons Act, and these  
27 violations are ongoing. Therefore Plaintiff is entitled to injunctive relief remedying the  
28 discrimination pursuant to California Civil Code § 55.

1           79. Plaintiff is also entitled to statutory damages from each Defendant, and for each  
 2 and every offense, pursuant to California Civil Code § 54.3.

3           80. Plaintiff is also entitled to reasonable attorneys' fees and costs.

4 WHEREFORE, Plaintiff requests relief as set forth below.

5           **FIFTH CAUSE OF ACTION**

6           **DECLARATORY RELIEF**

7           81. Plaintiff realleges and incorporates herein all previously alleged paragraphs of  
 8 the complaint.

9           82. Plaintiff contends that Defendants have failed and are failing to comply with  
 10 applicable laws prohibiting discrimination against disabled persons, including, but not limited  
 11 to, the ADA, the California Unruh Civil Rights Act, and the California Disabled Persons Act.

12           83. A judicial declaration is necessary and appropriate at this time in order that  
 13 each of the parties may know their respective rights and duties and act accordingly.

14 WHEREFORE, Plaintiff requests relief as set forth below.

15           **RELIEF REQUESTED**

16 Plaintiff prays for judgment as follows:

17           1. An order enjoining each Defendant from violating the ADA, the California Unruh  
 18 Civil Rights Act, and the California Disabled Persons Act;

19           2. A declaration that each Defendant is operating its traffic school(s) in a manner  
 20 that discriminates against persons with disabilities and that fails to provide access for persons  
 21 with disabilities as required by law;

22           3. Damages in an amount to be determined by proof, including statutory, actual,  
 23 and/or treble damages from each Defendant for each and every violation of the California  
 24 Unruh Civil Rights Act and of the California Disabled Persons Act;

25           //

26           //

27           //

28           //

4. An award of Plaintiff's reasonable attorneys' fees and costs; and
  5. Such other and further relief as the Court deems just and proper.

DATED: February 23, 2009

By: Sid Wolinsky  
Sid Wolinsky  
Ronald Elsberry  
Becca Von Behren  
DISABILITY RIGHTS ADVOCATES

Attorneys for Plaintiff

**DISABILITY RIGHTS ADVOCATES**  
2001 CENTER STREET, FOURTH FLOOR  
BERKELEY, CALIFORNIA 94704-1204  
**(510) 665-8644**